

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) No. 3:06-CR-109
) (Jarvis / Shirley)
)
DONALD ANDERSON,)
)
Defendant.)
)

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on April 3, 2007, on defendant Donald Anderson's Motion to Continue [Doc. 25] filed March 6, 2007. Assistant United States Attorney W. Brownlow Marsh was present on behalf of the government. Attorney Bryan Delius appeared on behalf of the defendant Donald Anderson. Mr. Anderson's appearance was excused due to the fact he was working out of town and the short notice of the hearing.

The government did not oppose the request for continuance and joined in the reasons set forth by defense counsel in his Motion for Leave to File [Doc. 24]. For the reasons stated in defendant Anderson's motion under seal, the agreement of the government and with the defendant requesting the continuance with full knowledge of his rights under the Speedy Trial Act, the Court will grant the continuance. The new trial date will be August 7, 2007, at 9:00 a.m. before the District Court.

The Court finds, and the parties agreed, that all time between the filing of defendant

Anderson's motion [Doc. 24] on March 28, 2007, and the new trial date August 7, 2007, is fully excludable pursuant to 18 U.S.C. § 3161(h)(1)(F)(1) and 18 U.S.C. § 3161(h)(8)(A) and (B), for the reasons stated in defendant's sealed motion and that the ends of justice served to the parties outweigh the interest of the defendant and the public in a speedy trial. Further, the Court finds that without the continuance it is likely miscarriage of justice would result. The defendant's Motion for Leave to File [Doc. 24] is **GRANTED**; the request for continuance at [Doc. 25] is **GRANTED**.

Accordingly, the trial date in this matter is continued to **August 7, 2007, at 9:00 a.m.** before the Honorable James Jarvis. The Court extends leave to re-file any pretrial motions on or before **May 15, 2007**. Responses to pretrial motions are due on or before **May 25, 2007**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge